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The situation in the occupied territories of Azerbaijan

Security Council
Sixtieth year

Letter dated 28 February 2005 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

The Republic of Armenia continues to conduct an active settlement policy in the occupied territories of the Republic of Azerbaijan aimed at the consolidation of the status quo in the occupied territories and the prevention of the expelled Azerbaijani population from returning to their lands of origin. This policy falls within the serious violation of the laws and customs of war and, in particular, constitutes a grave breach of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949. In general, according to the laws and customs of war, being only a temporary administrator of occupied territory, the occupying Power must not interfere with its original economic and social structures, organization, legal system or demography,[1] acquire ownership of immovable public property in the occupied territory, including natural resources.

Likewise, the policy of settlement runs contrary to the process of peaceful settlement of the conflict, harms the negotiations, pre-empts their outcome and attempts, compelling Azerbaijan to be reconciled to a fait accompli situation. The facts obtained from various sources confirm that this policy in the occupied territories of Azerbaijan is purposefully carried out in an organized and planned manner by the Government of Armenia with the active assistance of the Armenian diaspora.

Notwithstanding the efforts of the Government of Armenia to conceal its direct involvement in the transfer projects, the high-level working group on the implementation of a large-scale settlement transfer programme called "Return to Artsax" with the participation of Benik Bakhshiyan, Counsellor, Gagik Eganyan, Head of Department of Migration and Refugees of the Republic of Armenia and other senior officials, as well as Yerkir, a non-governmental organization headed by Andranik Margaryan, Prime Minister of Armenia. In an interview on 18 December

[1] Statement by the representative of the International Committee of the Red Cross to the Conference of High Contracting Parties to the Fourth Geneva Convention, 5 December 2001.

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2003 Prime Minister Margaryan confirmed that "Armenia and NKR are within the common economic space" and that their "main purpose is the settlement of NKR and development of its investment field by means of creating the favourable regime for economic subjects."[2]

The organizations Armenian Education Fund of Western America, Hayastan Fund, Yerkir Union and Armenian Eparchy Council of Tehran are major sponsors of the illegal transfer operations and construction carried out in the occupied territories. With the assistance of Yerkir, by spring 2004, 35 families had already established residence. In 2004 Yerkir planned to implement programmes worth US$ 500,000 and to resettle about 80 families in the occupied territories.[3] In 2004 for the implementation of the "Return to Artsax" programme $400,000 had been allocated from international funds and 90 buildings had been constructed in the occupied territories of Azerbaijan.[4]

The misappropriation of natural resources and cultural monuments is directly related to the settlement policy. There are two large gold fields in the occupied territories of Azerbaijan: Zod mine in Kalbajar and Vejnali mine in Zangilan. In 1993 an agreement worth $63 million on the exploitation of the Zod mine was signed between the Armenian side and the Canadian company First Dynasty Mines, Ltd. (in 2002 renamed to "Sterlite Gold, Ltd."). The Government of Armenia reports that it is currently working on the issue of enhancing the profitability of the Vejnali mine estimated at 4.5 tons with a view to launching its exploitation. In this regard Armenia plans to involve United States and Canadian companies.

Armenia has involved a number of foreign firms and companies in its illegal economic activities in the occupied territories. DSA, specializing in processing and producing gems and jewellery, Shoqakn, joint stock company established by Israeli citizen Lev Levayev, and LL Diamond, Dimotech founded by the Belgian firm Rosy Blue, as well as the Shusha branch of the Jewelry Factory of Armenia are on the list. De Beers, a famous company exporting, jointly with the English "Furfano" company, natural diamonds to Armenia, whose monthly export estimated at 8,000-20,000 carats of minerals, Lori owned by Ayk Arslanyan, a Belgian citizen, Arevakn owned by Robi Pasha, an Israeli citizen, Aqavni and Andranik joint stock companies of limited liability, as well as Gaqazard joint stock company and many others are operating in Nagorny Karabakh and other occupied territories of Azerbaijan.

Armenia attaches the utmost importance to the misappropriation of the monuments of the ancient Caucasian Albania in the occupied territories. The Armenian side has already attempted to present the Albanian religious monuments of Khotavank Monastery (sixth to twelfth century) in Kalbajar, more than 10 temples (fifth to eleventh century) in Lachin and the church located in Kangarli village of Aghdam district as Armenian monuments. Ancient Albanian scripts, ornaments carved on walls and crosses related to the above-mentioned monuments have been destroyed and replaced by Armenian attributes. A number of mosques are being used as storehouses.

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[2] www.gov.am/ruversion/premier_2/print.html?=299&rul; and http://www.menq.am/pls/dbms/mnp.show_npitem?pnp=128&pfile=359977&pnew=y&plgg=3.

[3] http://a1plus.am/eng/?go=print&id=15280.

[4] www.kavkaz.memo.ru.

The change of Azerbaijani toponymy into Armenian has been employed widely. The names of Azerbaijan's Kalbajar, Lachin, Gubadli and Zangilan districts, by being changed to Karvajar, Kashatagh, Kashunik and Kovsakan, have accordingly been "Armenianized". In all these actions the ultimate goal is to create the basis for future annexation of those territories.[5]

The occupied territories have become a particular source of crime untouched by international monitoring. The separatist regime has created an enabling environment for illegal drug cultivation, production and realization. These facts were duly reflected in the report of the United States Department of State on international control strategy on drugs (March 2000). Drug smugglers are under the protection of the so-called "authorities" and financial benefits derived from drug realization are earmarked for keeping the occupied territories under "control" and paying for hired labour.[6] Hemp cultivation in the occupied territories of Azerbaijan has also been referred to in the relevant report of the Parliamentary Assembly of the Council of Europe.[7]

Any statements that these are Armenian refugees from Azerbaijan or those affected by the earthquake in Spitak, Armenia, in 1988 who are being settled in the occupied territories of Azerbaijan can in no way justify the settlement policy. It is hard to believe that Armenian refugees voluntarily decided to move to the areas devastated as a result of combat action. Nor is it convincing that people leave the area ruined by an earthquake in order to settle in a region destroyed by war.

Azerbaijan has gathered many facts with regard to the above-mentioned activities carried out by Armenia in the occupied territories, a number of which have been reported to the United Nations (see A/59/568 and A/59/689-S/2005/64). Nonetheless, we continue to work in this direction, and have collected more information on the illegal settlement in the occupied territories.

As follow-up I have the honour to transmit herewith a compact disk containing video film[8] witnessing the Government-supported transfer of Armenians from Yerevan to the occupied Lachin region of Azerbaijan (produced by Abkhaz and Georgian journalists) and satellite images[9] of the occupied territories of Azerbaijan. The hard copy of the images[10] and their comments are also attached to this letter.

This information was presented to the OSCE Minsk Group Fact-Finding Mission to the occupied territories of Azerbaijan before it was dispatched.

I should be grateful if the present letter and the comments annexed to the letter were urgently distributed as a document of the General Assembly under agenda item 163 and of the Security Council.

(*Signed*) Yashar **Aliyev**
Ambassador
Permanent Representative

[5] www.artsakhworld.com.
[6] www.state.gov/g/inl/rls/nrcrpt/2000/892.htm
[7] www.assembly.coe.int/default.asp.
[8] May be viewed at www.un.int/azerbaijan/movie.avi.
[9] See annexes I and II.
[10] The original coloured images may be consulted in room S-3520 of the Secretariat.

Annex I to the letter dated 28 February 2005 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Space Images
of the occupied territories of the Republic of Azerbaijan

This text contain the comments to the satellite captured images of Kelbajar, Gubadly, Zangilan, Lachin districts, the road from Gorus (Armenia) to Lachin (Azerbaijan) and town of Khankandi and Shusha. Resolution of preciseness of each image constitutes 0,8 m.

A. Kelbajar region. The survey was made on 2 September 2004. Images include both general view and separate fragments.

Image A 1. In the image a clear picture of the military installations is observed. Surrounding buildings have been completely demolished. Though the survey was made in morning, however no shadow is being observed, which leads to conclusion that the buildings have been destroyed to the ground. In right bottom of the image military vehicles, tracks and other military equipment are observed. Background of roads proves that they are under active exploitation. The buildings serve both for military and civilian purposes.

Image A 2. This is the central part of the Kelbajar region, city of Kelbajar. As a result of occupation almost all the housing pool of the city has been destroyed and burned to the ground. It is clearly seen from the remains of once- buildings. However, recently as it is seen at the picture some buildings have been reconstructed. Roofs of some houses indicate that the houses are new. Until the time of the occupation of these territories such type of roofs was unusual for Azerbaijan. They are newly built. Houses have been rebuilt mostly by the roadside and their intensive exploitation is clearly seen.

Image A 3. The north-east part of the city of Kelbajar. The same picture is observed here as well, e.i the most part of the city had been destroyed and reconstructed houses are located by the roadsides. Some houses have the white colored roofs and some – modern type red colored ones. All of the renovated houses are at immediate roadsides. From the image it's seen that these territories are inhabited and are actively exploited.

Image A 4. This is Chaykend village in the Kelbajar region. It is clearly visible that as a result of occupation the village has been destroyed. Newly erected houses confirm the settlement of population in that area. In the right of the image a bridge over the river is visible and against the background of the main road and the bridge it is concluded that these roads are very intensively made use of.

Image A 5. This is Sinihkilse village in the Kelbajar region. Here against the background of destroyed houses, newly restored houses are clearly visible. In the right of the image cultivation of a plot of land is visible. Inhabitants of the village are farming, i.e. till land and breed cattle.

B. Gubadly region. This is different parts of the territory of the Gubadly region.

Image B 1. This is the territory of the City of Gubadly. Garages, fence-roofs and constructions in the form of hangar, as well as equipment in front of buildings are clearly seen. This territory is used for military purposes. Close look reveals specific color, which implies that the equipment mainly consist of trucks. In the right of the image there is a big construction, looks like barrack. There is a small square in front of it. The equipment around the square could be seen. In the left bottom of the image destroyed buildings are seen.

Image B 2. This is the territory of the City of Gubadly. This part used to be the centre of the city. Here one can see lawns around buildings and newly asphalted territories. Coat of the buildings reveal that the building have recently been reconstructed. The color of the roof exposes whether it's new or old. The color of the roof of the building which is in the right bottom of the image differs from the colors of roofs of other buildings. This is old, whereas others are new. Beside the military constructions in left top of this image one may see buildings used for civilian purposes, with the court-yard nearby. The color of roads of the area indicates that they are intensively used.

Image B 4. This is an armoured vehicles training centre. In the top of the image in the square one may see military equipment – tanks. Strips from the south-east to the north-west of the image are indication of the movement of the military equipment, tanks. These paths are employed for entry to and exit from the testing area of the movement of military equipment. Strip perpendicular to that of used by armoured equipment is also visible. It is covered by asphalt or concrete. It is used for aircrafts. In a part of the strip control posts have been set and most likely they monitor take off and landing of planes. Generally speaking geographically the region provides opportunity for the use of armoured vehicles and aircrafts. Roads are intensively used in the area.

Image B 5. This is the image is of Demirchiler village in the Gubadly region. If buildings on this territories had been demolished, it appears that their roofs were renewed. It is obvious since they have been colored and renovated. Looking at the right of the image, one could see soils being utilized and cultivated. Thus, this area is inhabited and its terrirory is being used by the settlers.

Image B 6. This is the image of the terntory of the Gubadly region. Existence of a big building with a high fence erected around is presumed. Appeared shadow makes clearly visible the fence around the building with sentry posts placed in every two corner. This object is being used for military purposes.

Image B 7. This is the image of Godekler village. Against the background of ruined objects a building can be seen. Based on its length and width one can assume that the building is provided for civil purposes, namely for stock-farming. On the other hand, there is similiarity in apperance of the building to military unit, i.e. caserns. Light background around the building proves its intense exploitation. On the other hand, the territory is fenced, and thus, it is guarded.

Image B 8. This image is a fragn.ent of the territory of the Gubadly region. Given that survey was made in September of 2004, which is post farming period, therefore different spots appeared on the image could be either hay or straw stacks. This proves utilization of the territory for agricultural purposes.

Image B 9. This territory is also being utilized for agricultural purposes. Even tracks of different equipment and irrigaton facilities are noticeable. Spots could be reflection of haystacks and cattle. Crop has already been reaped, but land has not been ploughed yet. Comparison with surrounding background makes it obvious that this is intensively exploitated tract.

C. Zangilan region. Next is the image captured by satellite on 2 September 2004.

Image C 1. In image one can see a road between Minjuvan and Zangilan settlements, more precisely on the right side of road the village of Melikli and on the left side the village Girikh

Mushlan are visible. Undoubtedly, soils of these territories are being extensively utilized. Different parts of tract appear in different colours ranging from light to green and show cultivation of different plants; furthermore territories in upper part of road are devided. No doubt that these territories are used by population inhabiting those very areas.

D.Lachin region.

Image D. Another survey depicting territory called Lachin corridor was made on 2 September 2004. The road is viewed very clearly. There were 50 vehicles on that road at the time of surveillance. The analysis of the information obtained from the surveillance shows that 35 out of those 50 vehicles were trucks. On this particular image a large truck can be seen. It may also be noticed that the land on both sides of the road is being used for farming. Various kinds of plants may be distinguished by their colors.

Image E 1. Lachin territory. The surveillance here took place on 23 August. The fragments of several separate settlements are shown here. The large part of the village has been destroyed; however the image shows that up to 40-50% of houses in the settlement have been restored. In general, the roofs in this area have never been of this color before. All of these houses have been built recently. As it can be seen from their colors, these roof coverings are modern. The roads around these houses can be distinguished by their color, and their active use is evident. Houses have been built in the hills, that to say in more comfortable places.

Image E 2. This is city of Lachin. The major part of the city has been destroyed. However, new buildings have been constructed recently. Both small and relatively large buildings have been restored here. The background of the roads leading to these settlements, the fact that they are not covered by grass indicates that these roads are being actively utilized. There is a steady traffic between the buildings. The pavement of the roads is in normal condition, the roads are under constant control and reconstruction.

Image E 3. The next is Metskaladeresi village of Lachin region. The major part of houses here has been restored. It is well-known fact that at the time of the occupation of Lachin in 1992 all settlements here have been burnt down. There was no single house remaining. The image shows however that 90% of the village has been restored. This area has been traditionally used for cattle rearing. The image clearly shows that it is still being used for the same purposes. The vehicle can be seen on the road. The court-yards are also being utilized. On the territory in the upper right corner of the image the agricultural works are being conducted.

Image E 4. Sus village – one part of houses has also been rebuilt, another part remains destroyed. Some of the buildings have no roofs; others have been reconstructed and are being used. It is evident that people inhabiting this territory widely use the surrounding areas as well.

Image E 6. Territory of the Lachin district, on the left side of the image one ruined house and on the right side repaired house are visible. There are two valleys. You can see the repaired house. Road is also used. It is obvious fact that resettlements are carried out here.

Image E 5. One of residential areas of Lachin. 80-85% of the houses have been repaired. Also court-yards, dachas, fruit trees near every house, constructions, plazas in the village are clearly visible and everything else is actively used, which confirms the settlement.

Image F1. City of Agdam – lands around the city without any doubt are actively cultivated (before and after surveillance). Big portion of crop has already been harvested, but in some areas the harvest is still to be carried out. These areas are obviously made use of for the agricultural purposes. Roads are in a very good condition. But the city itself has completely been ruined. Some of the buildings are probably used for military purposes by those who harvest this land.

Image F 2. For comparison city of Agdam with its surroundings are displayed.

G. Khankendi, Shusha.

Image G 1. Territory of the city with that of existed before occupation was compared. Nowadays the city is enlarged, residential areas are increasing and number of buildings is rising. Without any doubt that both military installations and civilian buildings in the city are used. In the right top right of the image military installations are visible. They are easily recognized by color and background.

Image G 2. Surroundings of the city are being expanded. Comparison of maps issued 10-15 years before reveals changes. City has been enlarged due to transfer of new settlers. New buildings have been constructed. By the color of roofs of buildings it is obvious that they are modern constructions (especially in the outskirts).

Image G 3. This is Shusha. Unlike Khankendi a big portion of Shusha has been destroyed. In Khankendi buildings are in normal conditions, whereas in Shusha most of buildings have been demolished. People reside in some buildings, including in high-rise ones (4 or 5 levels). In the heart of the city there is a church. It is visible that the territory surrounding it is used. Neighboring building has recently been repaired as seen from its roof. In the left top one can see jail facility. This jail is in normal condition, which means that it is operational. Buildings have new roofs and high fences. In front of it there is a checkpoint and many other look-out posts are placed along the fence.

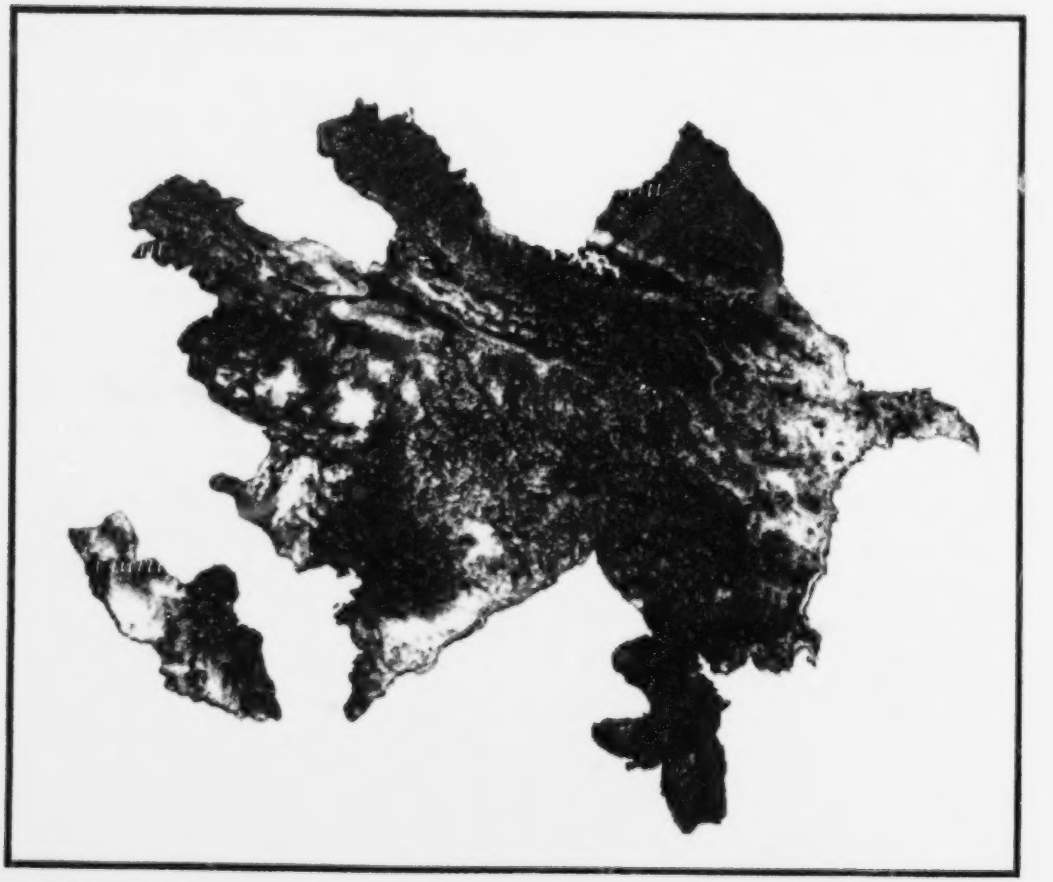
Some houses are covered with new white metallic roofs. Such kind of metallic roofs are shining certain period until they are new and there is a clear view of these roofs' metal shining at the sun. Other houses are red colored, these are completely new or reconstructed buildings.

Image G 4. This is a fragment from satellite capturing of Shusha in October 2003. Comparison show clear differences between the images of 2003 and 2004. With the passage of time the number of rebuild or newly erected buildings is growing, so is the number of settlers.

Annex II to the letter dated 28 February 2005 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

Republic of Azerbaijan

SPACE IMAGES
OF THE OCCUPIED TERRITORIES
OF THE REPUBLIC OF AZERBAIJAN



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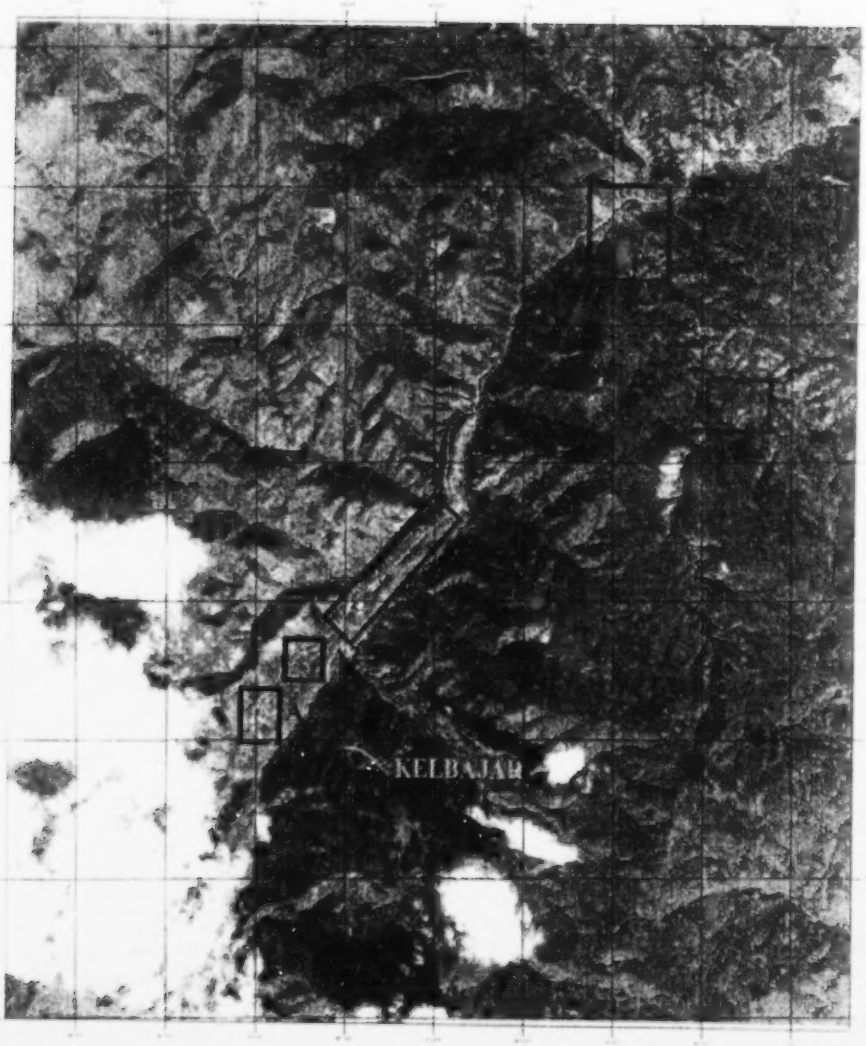
EXPLANATORY NOTE

These images were produced on the basis of decoding of high resolution (0,8 meter) multispectoral space photography made from a sattelite. They cover the occupied territories of the following regions of Azerbaijan: Kelbajar, Lachin, Zangilan, Gubadly and Agdam, as well as towns of Khankandi and Shusha.

The territories with the signs of transfer of Armenian settlers are classified by the following letters:

A - Kelbajar
B - Gubadly
C - Zangilan
D - Lachin highway
E - Lachin
F - Agdam
G - Nagorno-Karabakh region

International boundary of Azerbaijan
Administrative line of the former NKAO of Az.SSR
Line of occupation



Kelbajar region (the survey was made on 02/09/2004)

Within the examined territory of Kelbajar region 172 one-storied and 12 many-storied buildings were identified. The series of factors prove that these buildings are being currently inhabited. Those buildings are in good condition with reconstructed roofs and cultivated farmlands nearby while surroinding them buildings are completely ruined. All reconstructed houses are mainly along the road. There are cars and trucks on the road. The functioning military autopark with 14 units of trucks, series of cars and equipment were found in this territory. In the region there are many plough-lands and cultivated farmlands which sharply differs from adjacent non-cultivated and deserted agricultural lands.

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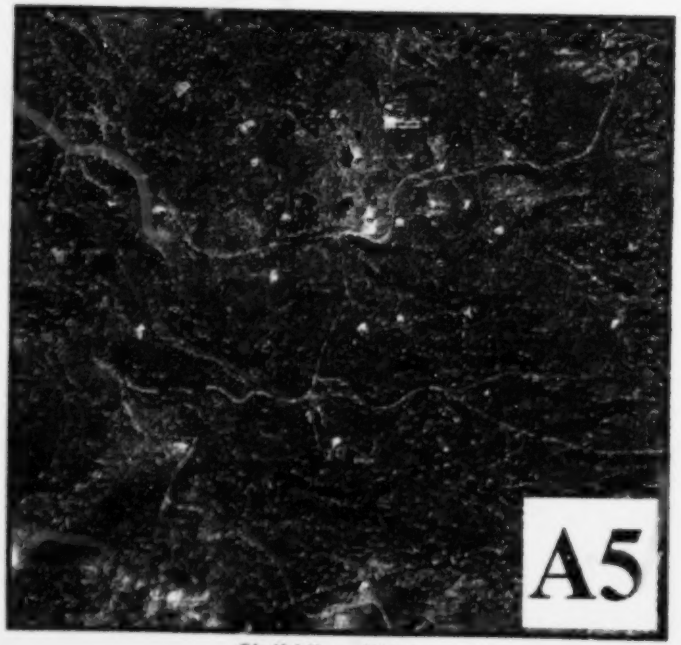
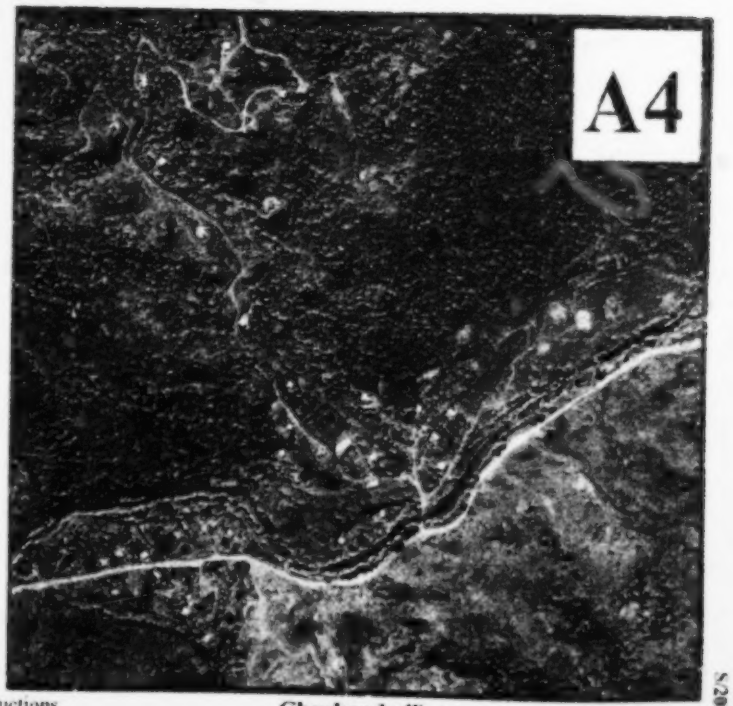
KELBAJAR

North-East outskirt of Kelbajar town

Residential constructions



Sinihkise village



Residential constructions

Chaykend village

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Military installations and administrative buildings

Residential constructions. (Center of Kelbajar town)

KELBAJAR

B.Gubadly(the survey was made on 02/09/2004)

In the examined territory of Gubadly region 22 military and industrial installations were identified, including military airfield with a group of tanks nearby.
Large areas of agricultural lands are developed and sown. These areas are in sharp contrast with surrounding ones - deserted, non-cultivated and devastated.

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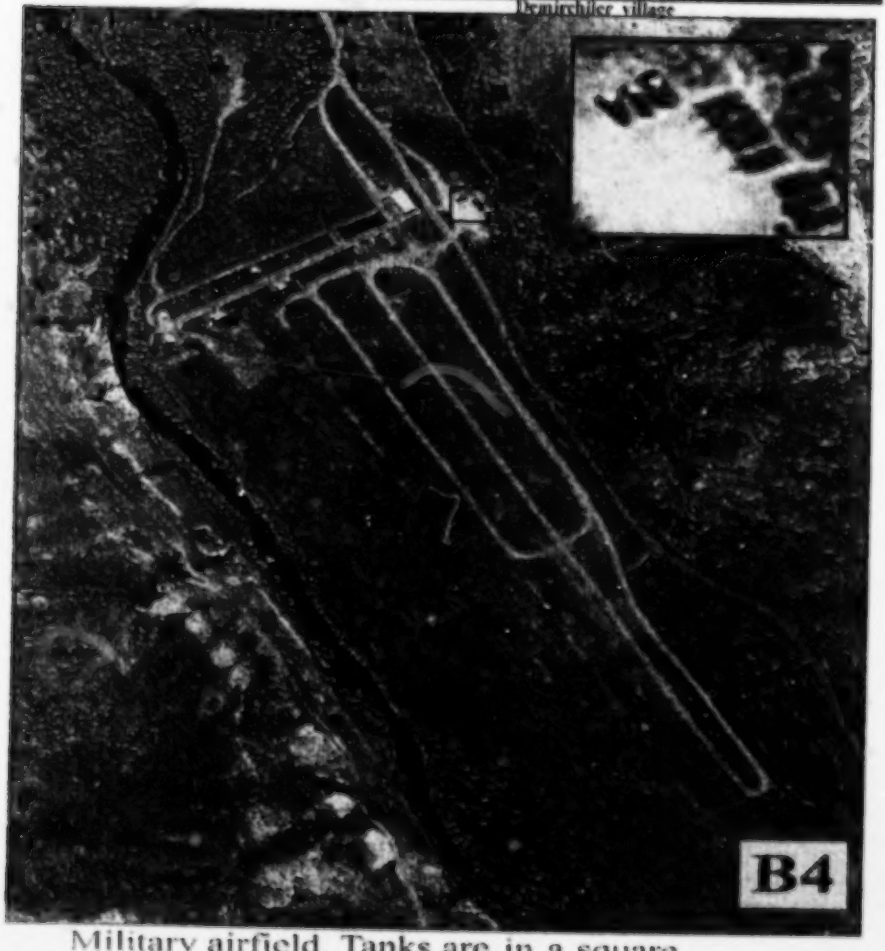
Gubadly town

Military installations and administrative buildings

GUBADLY

Tanks (Yukhari Gubadli)

Demirchiler village



Military airfield. Tanks are in a square

GUBADLY

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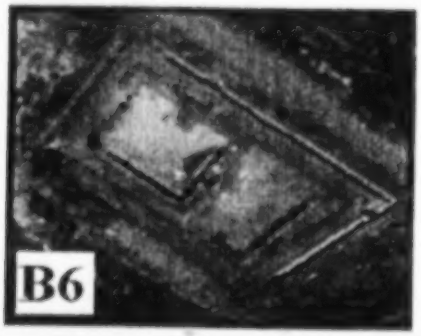
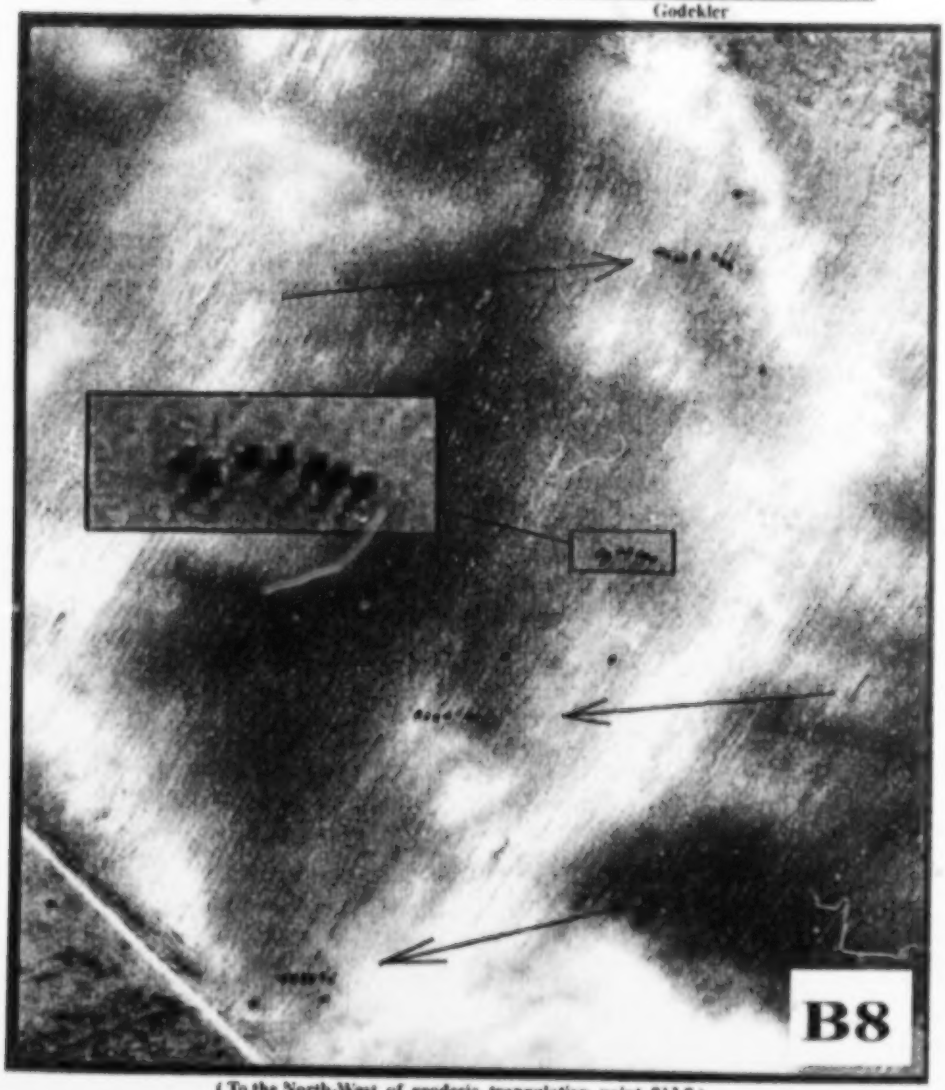


Godekler



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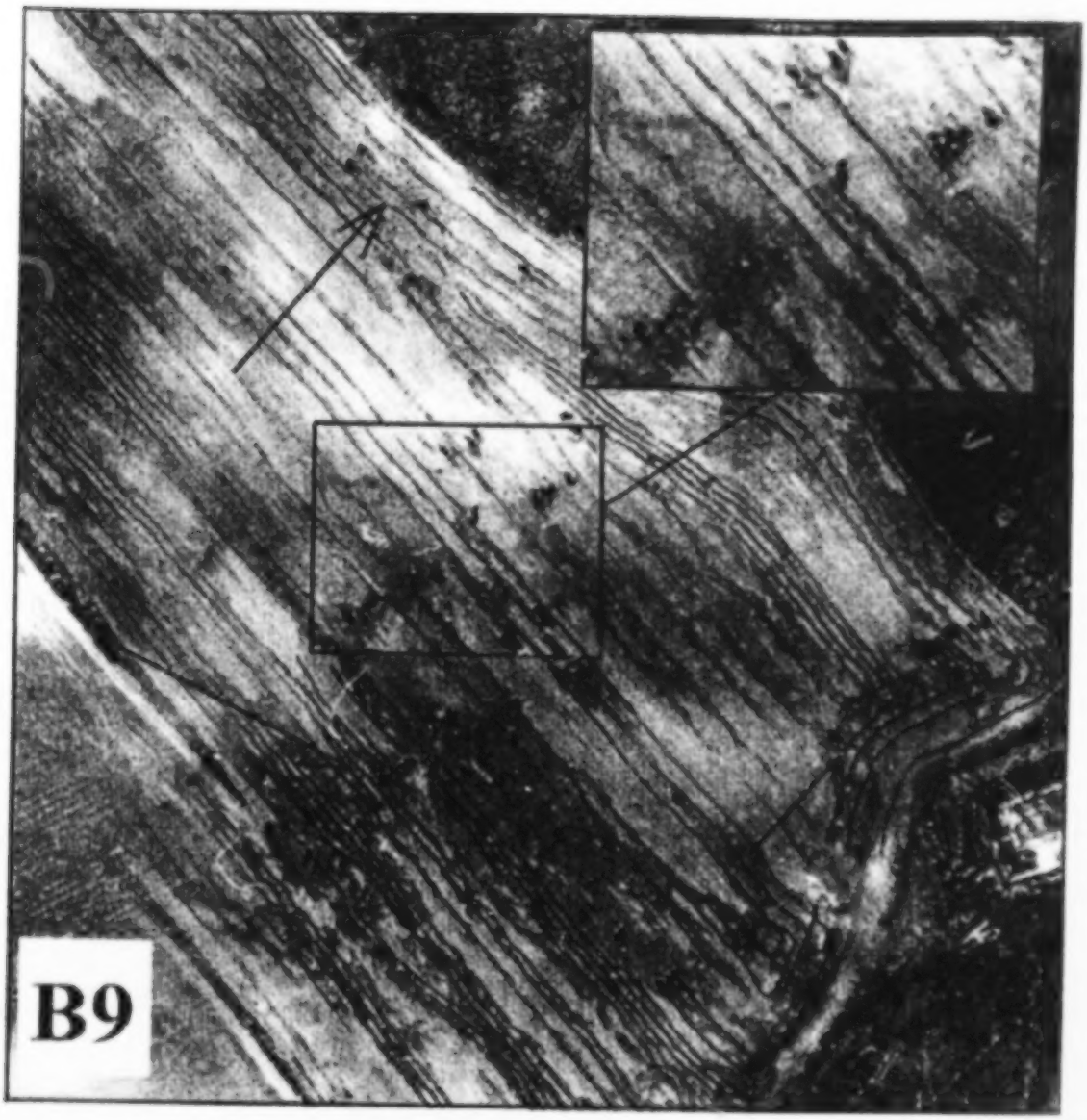
GUBADLY



GUBADLY

Zangilan (the survey was made on 02/09/2004)

In the examined territory of Zangilan more than 10 inhabited one-storied and 5 many-storied buildings were identified. In the territory of the region agricultural works are carried on. Furrows in the fields, delineated borders, including plantings can be observed there.

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Plots of cultivated agricultural lands

Plots of uncultivated agricultural lands

The area with cultivated and not-cultivated lands.

To the South of the area is Girikh Mushlan village, to the North of it is Melikli village, to the North-East is Mushlan village.

ZANGILAN

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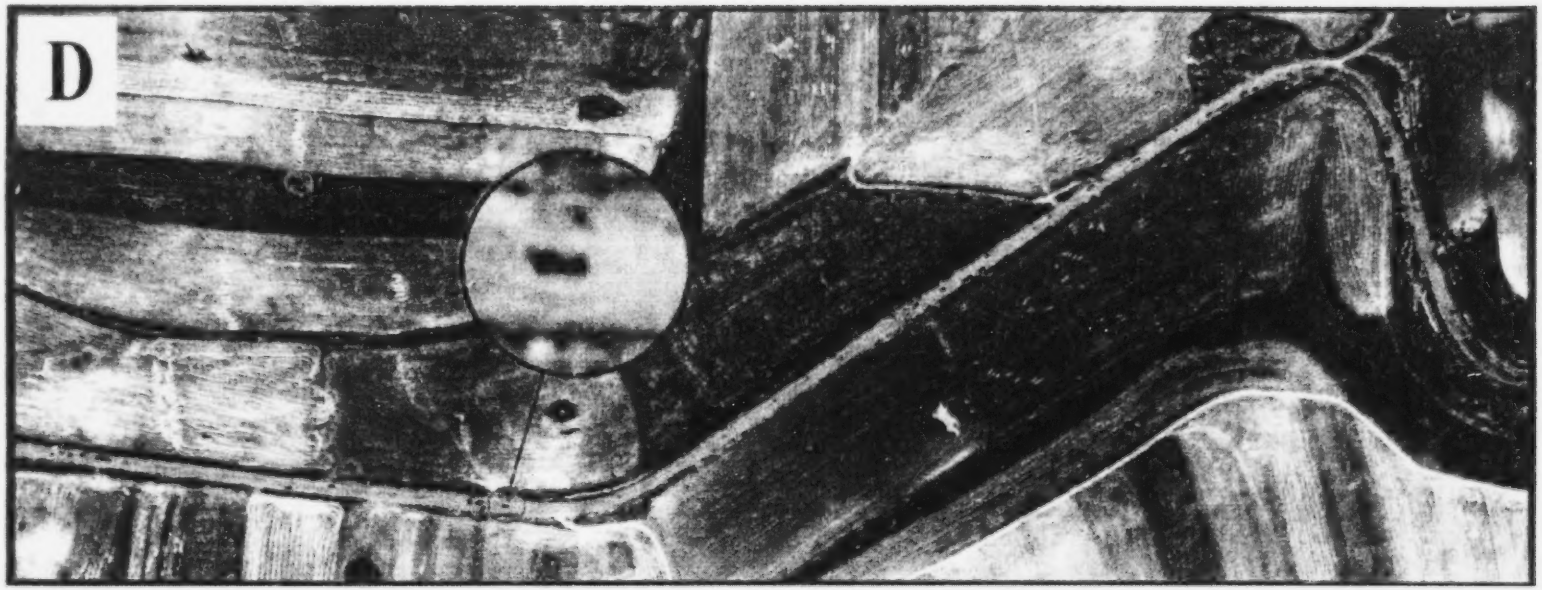

Highway

Lachin corridor (the survey was made on 02/09/2004)

The road from Goris (Armenia) to Lachin (Azerbaijan) was monitored. At the moment of the survey more than 50 vehicles were identified on the road, 35 of which were trucks.

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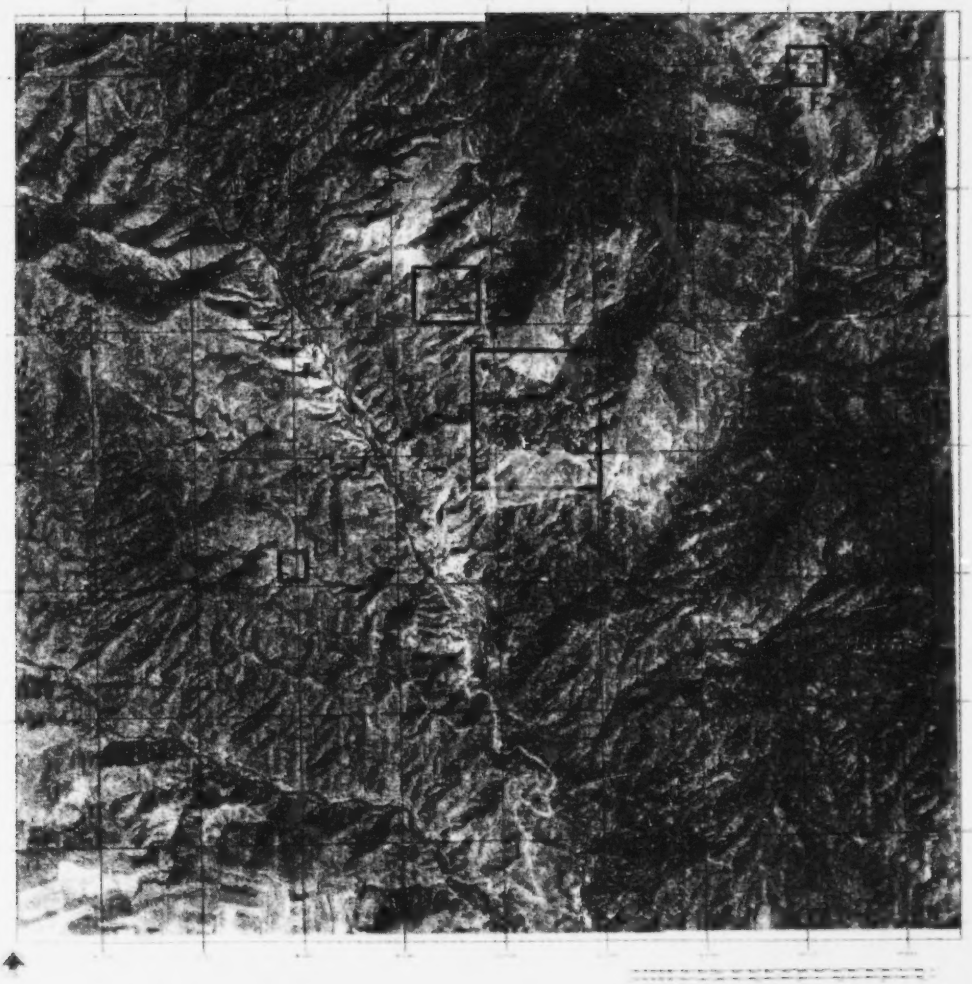

Lachin (the survey was made on 23/08/2004)

The territory of Lachin region is being most actively settled. About 90 % of buildings and installations have been reconstructed and settled. In the territory of the region more than 260 inhabited buildings are identified, 40 % of which are many-storied. The active traffick of cars and trucks was monitored. The large territories are used for cattle breeding and agriculture.

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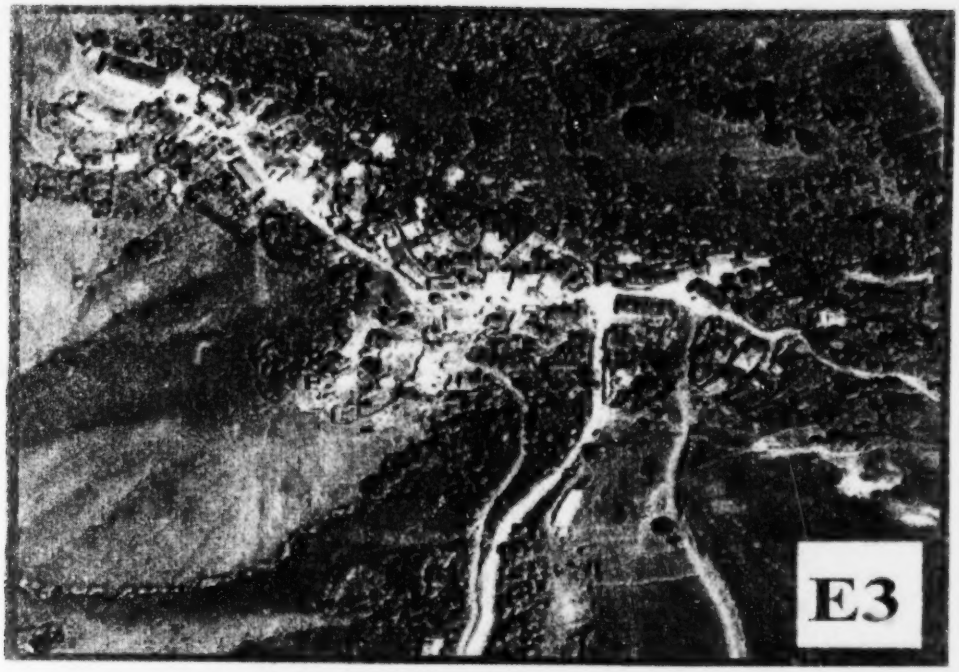
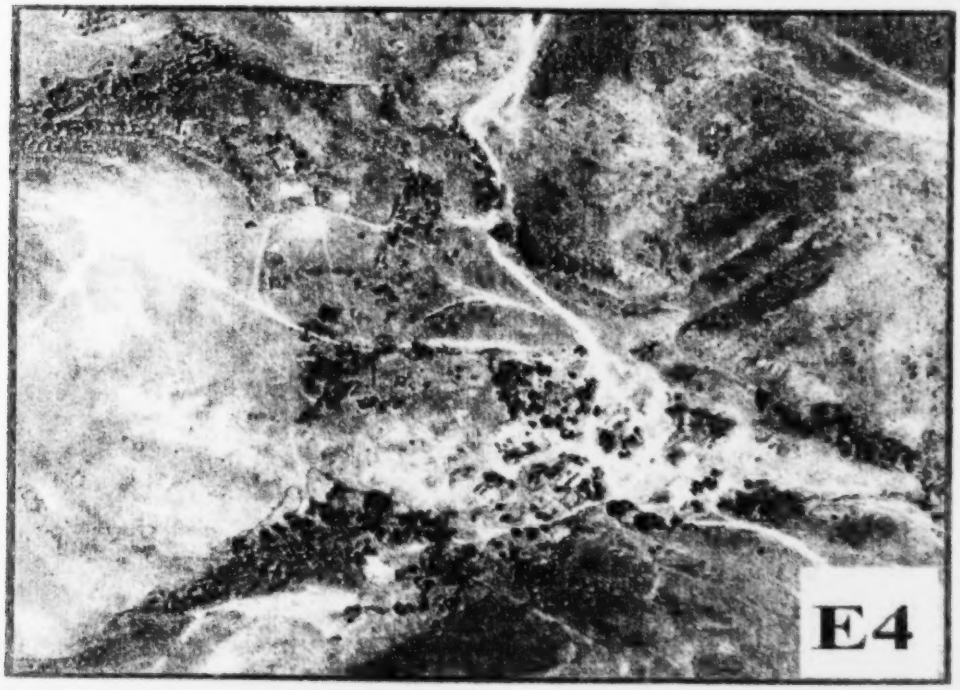
LACHIN

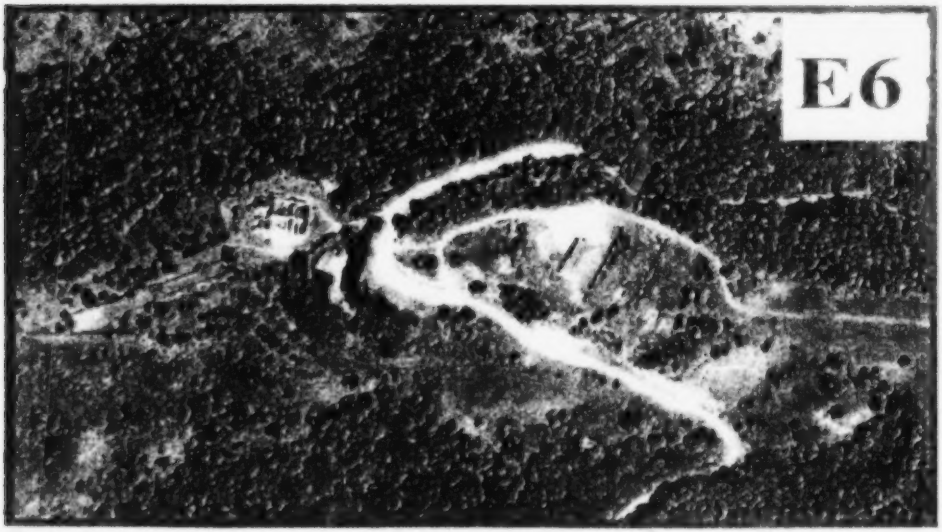
Residential constructions



Metskaladeresi



Sus
Residential constructions
LACHIN



Residential constructions

LACHIN

Lachin town

LACHIN

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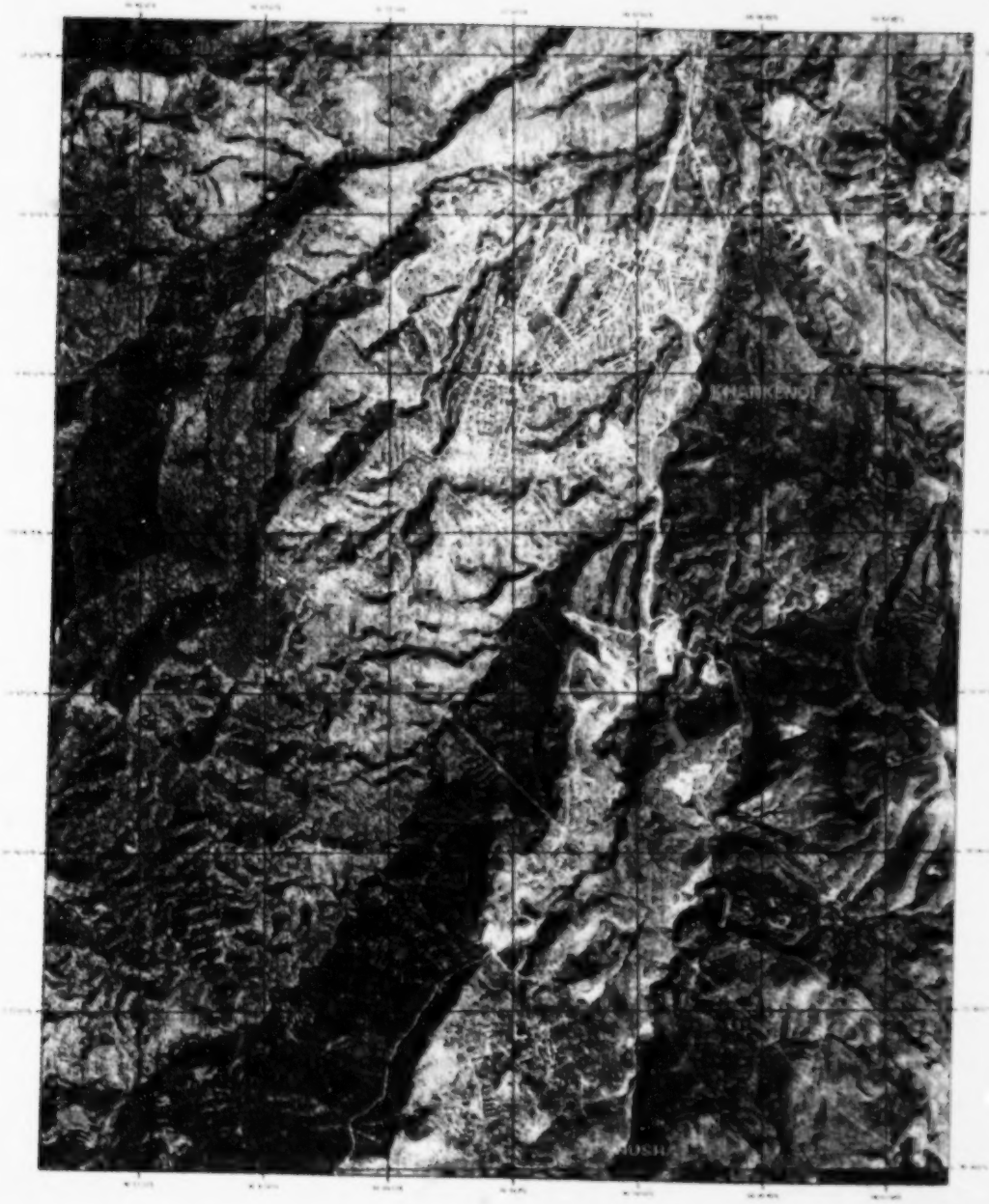
Cultivated arable areas around Aghdam city

AGDAM



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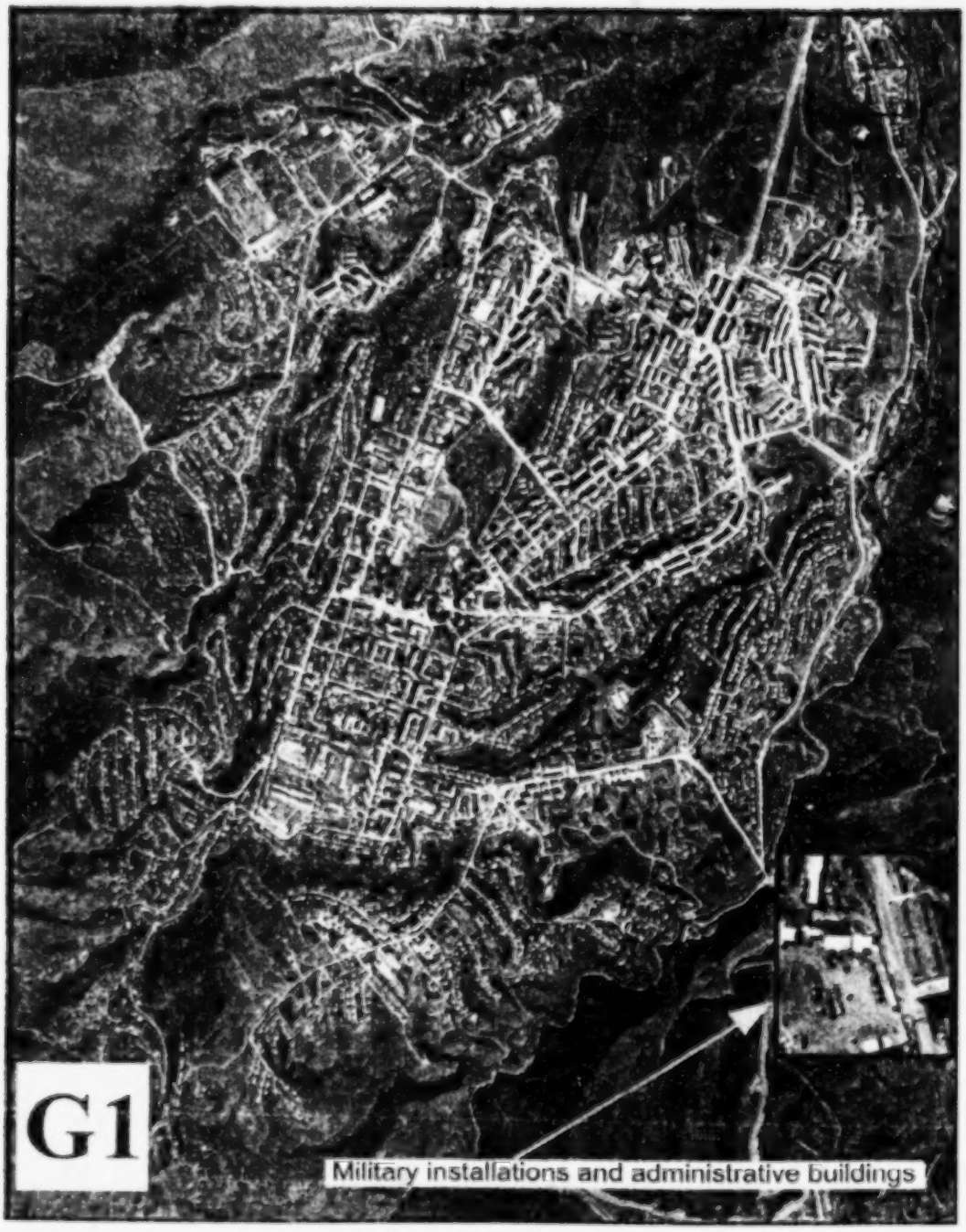

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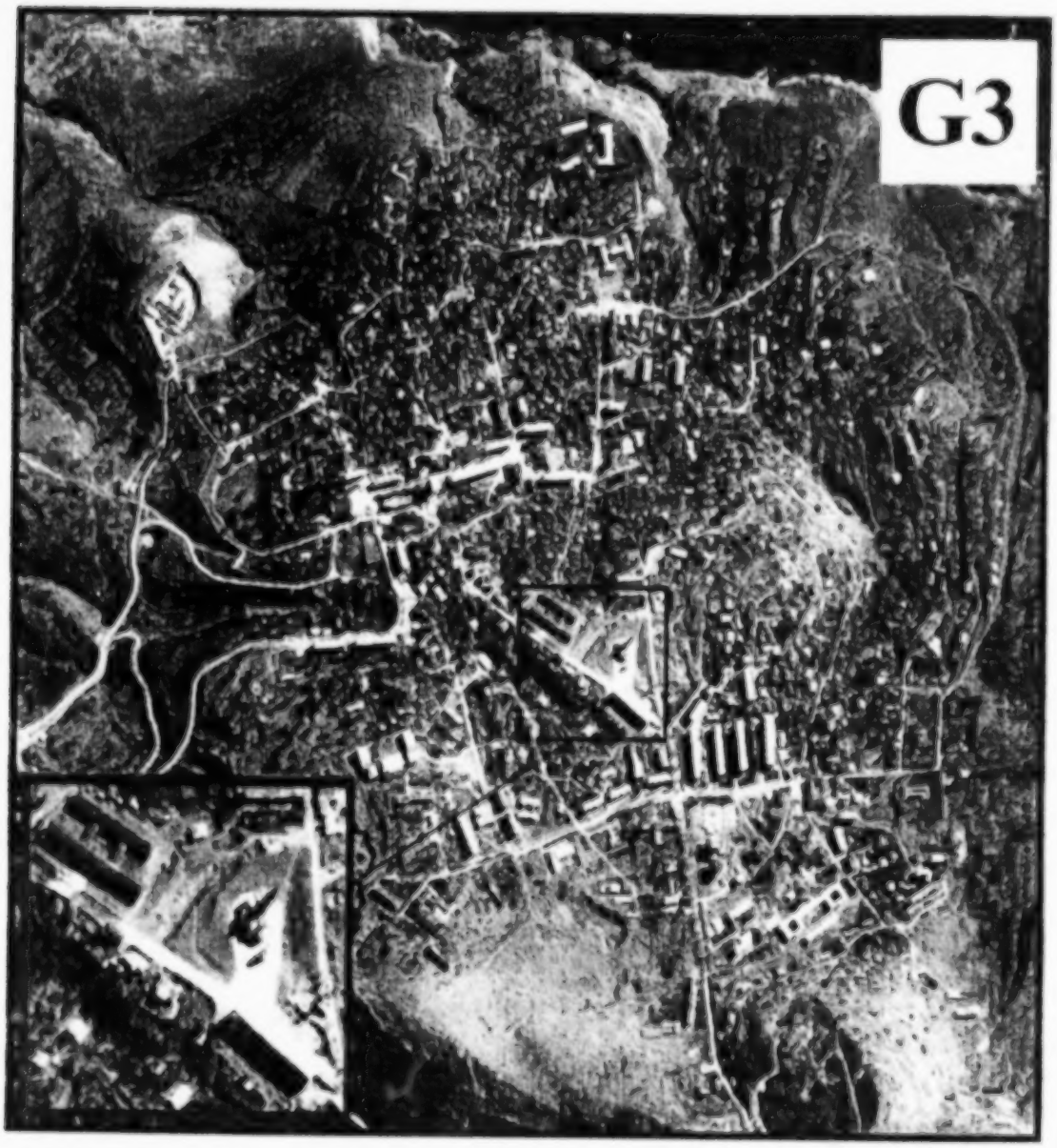

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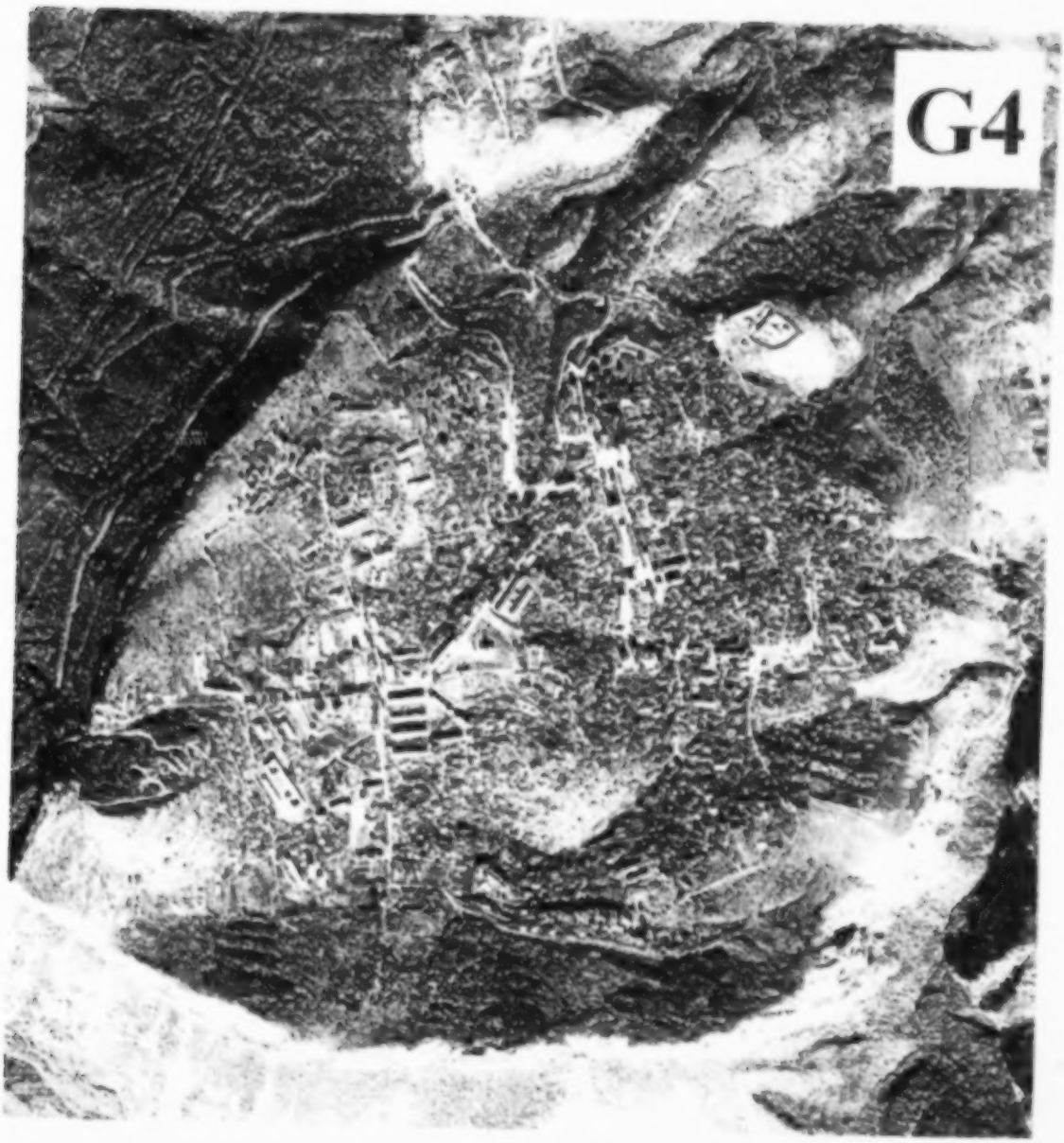

SHUSHA